

NOTICE OF RULEMAKING AND PUBLIC HEARING

The Arkansas Pollution Control and Ecology Commission will hold a public hearing on Thursday, November 4, 2004, to receive comments on proposed changes in Regulation No. 23, Hazardous Waste Management.

The hearing will be at 2:00 p.m. in the Arkansas Department of Environmental Quality's (ADEQ) Building G Commission Room, located within the Arkansas State Police Headquarters, No. 1 State Police Plaza, near the intersection of Geyer Springs Road and Interstate 30. Individuals who plan to attend the meeting should arrive early and bring a driver's license or other photo identification to present to the State Police receptionist to sign in and receive a visitor's badge.

Changes in Regulation 23 include revisions which the ADEQ proposed and revisions which the U.S. Environmental Protection Agency proposed for federal environmental regulations concerning identification and listing of hazardous wastes, specifically the management of used oil.

The Arkansas Department of Environmental Quality proposes changes concerning several financial assurance requirements and a universal waste provision for electronic waste. ADEQ proposes revisions which would be more stringent than federal requirements, including changes concerning extension of post-closure and third-party liability provisions to open burn/ open detonation units; insurance requirements for posting financial assurance, and timing for providing financial assurance when a Resource Conservation and Recovery Act permit is transferred.

The Commission's authority for promulgating changes to Regulation No. 23 are found in Arkansas Code Annotated (A.C.A.), sections starting with 8-7-201, the Hazardous Waste Management Act, and starting with A.C.A. Section 8-7-501, the Remedial Action Trust Fund Act.

A complete listing of the proposed changes to Regulation No. 23 is found in the document "Petition to initiate rulemaking to amend Regulation No. 23, Hazardous Waste Management," which can be found on the ADEQ's Internet web site, the address for which is listed in the following paragraph.

Copies of the proposed changes to both regulations are available for public inspection during regular business hours at the ADEQ's Little Rock office in the Customer Service Division, located in Building D, 8101 Interstate 30, or ADEQ information depositories located in public libraries at Arkadelphia, Batesville, Blytheville, Camden, Clinton, Crossett, El Dorado, Fayetteville, Forrest City, Fort Smith, Harrison, Helena, Hope, Hot Springs, Jonesboro, Little Rock, Magnolia, Mena, Monticello, Mountain Home, Pocahontas, Russellville, Searcy, Stuttgart, Texarkana, and West Memphis; in campus libraries at the University of Arkansas at Pine Bluff and the University of Central Arkansas at Conway; or in the Arkansas State Library located on the State Capitol grounds at Little Rock. In addition, a copy of the regulation showing the proposed changes is available for viewing or downloading at the ADEQ's Internet web site located at www.adeq.state.ar.us.

Oral and written comments will be accepted at the hearings, but written comments are preferred in the interest of accuracy. In addition, written and electronic mail comments will be considered if received no later than 4:30 p.m. November 19, 2004.

Written comments should be delivered or mailed to: David F. Kern; Media & Public Affairs Officer, Customer Service Division, Arkansas Department of Environmental Quality, 8101 Interstate 30, P.O. Box 8913, Little Rock, AR 72219-8913. Electronic mail comments, including the name and mailing address of the sender, should be sent to: reg-comment@adeq.state.ar.us.

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**Marcus C. Devine, Director,
Arkansas Department of Environmental Quality**